



DOMESTIC WORKERS IN NEW JERSEY: KNOW YOUR RIGHTS

The New Jersey Department of Labor & Workforce Development (NJDOL) is committed to assisting and protecting domestic workers in New Jersey, regardless of immigration status. This guide has general information that can help you understand the benefits and protections you may be eligible for, and how to get help. **Questions?** Email wage.hour@dol.nj.gov for help from our multilingual staff.

NJDOL will not share any information from an investigation with any federal immigration agency, unless legally required to do so. NJDOL employees do not ask about immigration or citizenship status and serve all workers regardless of immigration status.

NJ WORK RIGHTS FOR DOMESTIC WORKERS:

- Pay for all hours worked; the wage promised by your employer and no less than the State minimum wage of \$12.00/hour as of 1/1/21 (or \$11.10 per hour for employers with fewer than six employees)

The state minimum wage schedule is available here: nj.gov/labor/forms_pdfs/wagehour/mw-571.pdf

- Overtime: 1.5 times your hourly rate for hours worked over 40 hours/week
- No illegal deductions or withholding of wages (wage theft)
- Up to 40 hours of NJ Earned Sick Leave to care for yourself or a loved one, including for coronavirus
- Correct employment status; workers misclassified as independent contractors or paid off the books can be improperly denied rights and benefits
- The right to not be fired because you have or are thought to have coronavirus

MAKE A COMPLAINT AT MYWORKRIGHTS.NJ.GOV OR CALL 609-292-2305:

- You can ask a trusted person to help or file a complaint on your behalf; multilingual NJDOL staff can assist
- Your identity and other personally identifiable information are protected from disclosure to your employer and others, with limited exceptions
- Keep track of your hours, pay, and employer's contact information

UNDER NJ LAW, IT IS UNLAWFUL FOR AN EMPLOYER TO RETALIATE AGAINST YOU FOR REPORTING VIOLATIONS.

And under federal law, retaliation against workers who assert their rights is unlawful, including alerting or threatening to contact immigration authorities. Learn more at eeoc.gov/fact-sheet-retaliation-based-exercise-workplace-rights-unlawful

EMPLOYMENT AGENCIES MUST FOLLOW THE LAW.

Employment agencies and their agents must be licensed with NJ Division of Consumer Affairs. NJ Division on Consumer Affairs enforces this law; see njconsumeraffairs.gov/epservices.

CREDIT TOWARDS FOOD AND LODGING MUST ADHERE TO THE LAW.

- In NJ, an employer can take a credit toward any wages due. The credit is limited to the fair value: your employer cannot make a profit on what they charge and must keep records.
- Your employer cannot take a credit if the food or lodging primarily benefits them. For example, if you provide round-the-clock care, or if your sleep or off-duty time is regularly interrupted.
- Your employer cannot charge you for lodging if the space is not up to code, i.e., if it lacks heat or electricity.

ON-CALL TIME IS STRICTLY REGULATED.

- In NJ, if your employer requires you to be at your place of work, even when you do not perform work, then your employer needs to pay you for this time.
- If you can leave your workplace during breaks, then only the time spent working counts for wage payment.
- If you are called to work by the employer, they must pay you for at least one hour, even if you are sent back home right away.
- If you are called to work so frequently or if your on-call time is so restricted that you cannot use the time for yourself, then the waiting time counts as hours worked.
- Live-in workers and employees with irregular on-duty hours must be paid at least 8 hours per day on duty.

SLEEP TIME IS REGULATED FOR WORKERS ON DUTY FOR MORE THAN 24 HOURS.

- Under federal law, if you are on duty for more than 24 hours at a time, you must be paid for the full time, including sleep and meal periods, unless you and your employer agree to exclude sleep time.
- If your employer excludes sleep time from your pay, no more than 8 hours can be excluded, and you must get an adequate place to sleep and at least 5 uninterrupted hours of sleep.
- If you can't get 5 hours of sleep, the entire scheduled period counts as hours worked.
- If you are a live-in domestic worker, you are not considered to be working for the whole time you are there.

If you believe your federal right to sleep time has been violated, call the USDOL Wage and Hour Division in NJ at 609-538-8310 (Southern NJ) or 908-317-8611 (Northern NJ)

To learn about additional worker benefits and protections see myworkrights.nj.gov



NJ.GOV/LABOR